IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8046 OF 2004

Haribhau R.Kakade .. Petitioner.
Vs.
Deccan Education Society & Anr. .. Respondents.

Mr.Uday Warunjikar for the petitioner.

CORAM : D.B.BHOSALE, J.

DATED : 6TH OCTOBER, 2004

P.C.:

. Heard Mr.Warunjikar, learned counsel for the petitioner.

2. The order impugned in the instant writ petition reads thus:

"Read.

Heard appellant in person and Shri V.D.Borwankar for respondent no.1, 2. Perused record and proceeding.

1. Documents placed on record will be considered. Parties to the appeal to peruse the documents and parties to give in writing as to whether they admit the same or they intend to deny the same.

2. Parties are at liberty to lead additional evidence, if any.

3. Enquiry be expedited".

3. Mr.Warunjikar, learned counsel for the petitioner submits that he has instructions to press this writ petition only against paragraph 1 of the aforesaid order. He submits that the direction given in paragraph 1 is not consistent with the order passed by this court on 15.4.2004 in Writ Petition No.1665 of 2004. I perused the order dated 15.4.2004 and other material placed before me. It is not possible to accept the submission of Mr.Warunjikar that the direction given in paragraph 1 is not consistent with the order of this court dated 15.4.2004. I absolutely find no infirmity in the impugned order warranting interference by this court in the instant writ petition filed under Article 227 of the Constitution. As a matter of fact the court has given fair opportunity to the parties to either admit or deny the documents relied upon by them against each other. The petition, therefore, fails and is dismissed as such. Needless to say that the enquiry be completed within time frame granted by the order dated 15.4.2004.

(D.B.Bhosale, J.)